

REMARKS

Reconsideration of the present application, as amended, is respectfully requested. Applicants and the undersigned wish to thank the Examiner and his supervisor for the courtesies extended during the telephone interviews conducted on September 19 and 20, 2005 with the undersigned.

The present amendment raises no new issues for consideration beyond that already considered by the Examiner prior to the filing of the RCE.

A. ADVISORY ACTION

The Advisory Action correctly indicates that claims 1-12, 14, 16, 22, 24-25 and 31 are pending. The claims indicated as being currently withdrawn will be cancelled if the request of Applicants for rejoinder (below) is denied.

Applicants request reconsideration and removal of the claim objections made in the Advisory Action concerning claims 5 and 24 in view of the comments found at the top of page 3 of the Advisory Action. The Amendment made to the claims herein are the same as that made in the Rule 116 Amendment previously considered by the Examiner.

B. THE REJECTIONS UNDER 35 U.S.C. §112, Second Paragraph

Advisory Action indicated that the Examiner has rejected the pending claims as being indefinite. Applicants respectfully urge that the claims are in proper form as a result of the present amendments to the claims and comments made during the telephone interviews with the Examiner and his supervisor. All terms are urged to be sufficiently enabling and definite, especially when considered from the point of view of one of ordinary skill in the art. Furthermore, there is urged to be no new issue regarding the use of the phrase "for linking NR₂₂ to B" since it merely serves to further describe what was functionally shown. Moreover the RCE filing made herewith renders moot the issue regarding whether a further search is needed.

Applicants reserve the right to present further arguments, traversals and/or rebuttals to the remarks made by the Examiner in the Advisory Action. Such statements are not made herein in view of the Examiner's indication by telephone that the issues relating to indefiniteness have been resolved.

C. PROVISIONAL REQUEST FOR EXTENSION OF TIME

A Notice of Appeal and required fee were mailed August 11, 2005. Consequently, no further fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Commissioner is hereby authorized to debit or credit such sum to deposit account number 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

D. REJOINER REQUESTED

Applicants request that the Examiner rejoin those claims withdrawn previously from consideration in this application. It is believed that the claims for which this rejoinder is requested meet all of the criteria for patentability and that the withdrawn process claims are of a scope commensurate with the allowed product claims.


E. CONCLUSION

In view of the actions taken and arguments presented, it is respectfully submitted that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

LUCAS & MERCANTI, L.L.P.



Michael N. Mercanti

LUCAS & MERCANTI, L.L.P.
475 Park Avenue South
New York, New York 10016
Phone: 212-661-8000
Fax: 212-661-8002